

**PLANNING BOARD MEETING MINUTES
TUESDAY, MAY 17, 2005**

MEMBERS PRESENT: Jeremy Daly, Chair
Paula Caron
Jay Cruz
John DiPasquale
Mike Hurley
Nancy Maynard
Dean Tran
Yvette Cooks (associate member)
Paul Fontaine, Jr. (associate member)

PLANNING OFFICE: David Streb
Mike O'Hara

Call to Order

Meeting called to order at 6:00 p.m. in the Veterans' Room, First Floor, City Hall.

Communications

MRPC minutes, agendas

Ms. Caron reappointed to Montachusett Joint Transportation Committee as Board's representative.
Ms Caron pointed out that there is still a vacancy for Fitchburg (mayor's appt.) on MRPC.

Discussion about amending condition of "Chamberlain Hill" Special Permit. Condition #3 states applicant (Bovenzi) is to provide C. of F. \$100,000 cash contribution towards Riverfront Park. It has been suggested by applicant that it be substituted with Applicant will build the stage (bandstand) for the Riverfront Park, even if cost is greater than \$100,000. Board is OK with that.

Copies of "Municipal Advocate", and "The Beacon" handed out to Board members.

Meeting Minutes

Paula Caron provided supplemental information required for the minutes of the April meeting.
Motion made and seconded to approve minutes of the April 26th meeting.
Vote unanimous to approve.

ANR plans

The Board reviewed and endorsed the following "ANR" plans:

Deery/Evergreen Realty Trust - Franklin Rd.

Splitting off conforming lot (Lot 4A) around existing house at 805 Franklin Rd. Mr. Daly asked about the lots not being on a public way. Applicant's engineer Bill Hannigan explained that it's OK to sign, because remaining parcels A, B & C are labeled "not to be considered a building lot". He stated that three parcels to be permanently dedicated as Open Space.

Caron, King St.

Splitting off conforming 17,022 s.f. lot from parcel at 25-29 King Street.

Arn-How Farm Rd.

Proposes to split off Lot 16 & 17. Lot 17 (164.75 feet frontage) noted as a "rear lot" under Sec. 181.74. There have been no other "rear lots" split from the original parcel owned by Sumner Real Estate Trust. "Easement Area" shown on plan is for future Common Driveway for the two lots.

Warner Ave. extension

Bill Gates presented a plan showing 2.0 acre Lot 1 with 224 feet frontage on Warner Ave. Extension. Mr. Streb said that it was his understanding that the family wasn't going to submit another ANR plan for this road, but rather would submit a subdivision plan. Mr. Gates responded that the family isn't ready to subdivide the property. He referred to a previous ANR plan that was approved for Warner Avenue. Ms. Caron replied that new information regarding adequacy of ways has come to light since that time, and the Board needs to consider adequacy of the way. Mr. Daly said that he has no problem signing the plan. Mr. Hurley said that the Board's already approved a similar plan on the same road – why not this one? Ms. Caron said that's coming back to haunt us now. Mr. Streb pointed out that the proposed parcel doesn't abut the road. Discussion ensued among the Board, until four members signed the plan and thereby approved it. Majority of Board felt access was adequate for the purpose of endorsing the ANR plan

Minor Site Plan Review - 209 Lunenburg St.

Kofi Ageyman, 217 Seven St, Leominster explained proposed used car sales at same location of Aldrich auto sales. Site plan was approved conditioned upon providing 23 parking spaces for display and 3 parking spaces for employees and customers.

PUBLIC HEARINGS

Repetitive Petition, Jacques, 311 Daniels St., Special Permit (photo studio & residential use)

Members present & voting: Caron, Cruz, Daly, DiPasquale, Hurley Maynard, Tran (7)

Mr. Cruz stated his objection to re-hearing this matter because it would allow every applicant to re-apply if denied. He doesn't feel that allowing the repetitive petition to go forward would be just. Nothing has changed. In addition, he pointed out an article in the Land Use Manager that said a Board can't reverse itself on a matter that it has decided.

Mr. Daly said that at the April meeting he erred in not pointing out to the applicant that not all the Board members were present, and that one negative vote would deny the petition. He feels that the Board can correct its error.

Atty. Richard Lavers, represented Brian Jacques. He said that the application is materially different from the previous application that was denied in the following ways: The owner is different, and not affiliated with the previous owner. He is proposing one employee instead of four employees. The owner will occupy the apartment unit. Parking will be provided by the first floor garages.

Ms. Cook asked if the residential use would be the garage? Atty. Lavers pointed out that the residential use is proposed for upstairs.

Mr. Daly asked if both of the two garages would be available. Atty. Lavers responded yes. Mr. Daly reminded the Board that we aren't debating the merits of the case.

Mr. Fontaine asked if the sketches are from the previous owner. Mr. Lavers responded that they are not – that they are completely different.

Hearing closed.

Motion made & seconded to allow applicant to go forward with Special Permit application to the Board of Appeals. Board voted 6-1 to approve the repetitive petition and pass the matter along to the Zoning Board of Appeals.

Site Plan Review - Drs. Cabrera & Munn, Whalon St., Medical Office

Bill Hannigan of Hannigan Engineering described the proposed project. He pointed out that Deputy Chief Morand had recommended a fire hydrant on Pierce Avenue, but that John Bizotto of the Water Division didn't feel that it was necessary, so they didn't show it.

Mr. Daly asked why they aren't proposing to access the site from Pierce Avenue instead of Whalon Street. Said that if there's an opportunity to take advantage of an existing street opening, we should.

Mr. Hannigan replied that Pierce Avenue isn't in the best location. The driveway pulls the exit back before the rumble strip divider. Also, Pierce Ave isn't perpendicular to Whalon St.

Ms. Caron wondered whether they could use Shepherd Ave. for access, a paper street at the northern edge of the site. Mr. Hannigan said that the difference in grade would make that difficult.

Mr. Cruz asked if they could do a groundwater recharge system instead of a detention pond. Mr. Hannigan replied that the site with the ledge wouldn't support that. The water would weep out onto Whalon and create an icing problem in the winter.

Ms. Caron would like to see Pierce Ave improved. So would Mr. Fontaine.

Mr. DiPasquale asked Mr. Hannigan if he had looked at using Pierce Ave for access. He said he had, but his client preferred to access the site directly off Whalon Street. Mr. Hannigan asked that the hearing be continued to bring some of these issues up to his clients.

Mr. Daly explained that it's the Board's responsibility to not make things worse – to plan for the future.

The Board would prefer to see access from Pierce Avenue instead of from Whalon Street.

Mr. Hannigan said that the radius of the intersection of Pierce and Whalon is a problem.

Mr. Daly suggesting continue the hearing until June 21, and recommended that he could talk to the abutter about obtaining land for a radius at the intersection of Pierce and Whalon.

Also, the Board would like to see the front of the site aesthetically improved.

Motion made & seconded to continue public hearing to June 21 meeting. Vote unanimous.

Site Plan Review - IC Federal Credit Union, 520 Electric Ave.

Bill Hannigan presented plan. They plan to demolish the existing buildings and to build a new one. Intend to catch all runoff and direct it into the city's drainage system. They still need to go the Conservation Commission. They intend to daylight a culvert and replicate wetlands at the edge of the site. The post-development site will have less pavement than currently exists, and the pattern of the drainage lines will slow runoff to the brook. A wetland has occurred because a section of culvert has broken. He wants to reconnect the pipe and replicate the wetland.

There was a small revision to plan as submitted -- eliminates possibility of cutting thru parking to rear of building. Also, light poles will be shorter than on initial plan.

Q: Any contamination on site?

Atty. Gelinas: 21E study has been done -- there is UST on site from when it was a gas station. Some petroleum contamination is present. Will be removed.

Any thought given to groundwater recharge?

Hannigan: groundwater very high, therefore infiltration system wouldn't work.

Building will be slab on grade - no basement. Many test holes done, no refusal - no blasting will be needed.

Public Comment:

Francis McCarty, Associated Data Concepts, 538 Electric Ave. – has some concerns -- about the plantings along the westerly side, and about his access, but generally supports the redevelopment of the site.

Gelinas: They haven't completed the title search, but they aren't aware of any deeded rights of access.

Norman Boudreau, IC Credit Union stated his support for the project.

Architect Pat Slattery showed the Board a rendering of the proposed new building.

Public Hearing was closed at 8:35 p.m.

Mr. Hurley motioned to approve site plan. Ms. Maynard seconded. Vote Unanimous to approve.

Revision to Special Permit - "Westminster Hill Village", Westminster Hill Rd.

Mike Dryden, landscape architect, Meridian Assocs.

Mark Biller of Lifestyle Builders and Lewis Lunn were present.

Mr. Dryden explained the minor changes they made to the approved PUD. They eliminated all the direct work in the resource area and will be working only in the buffer zone. The sewer extension permit approval from DEP is expected shortly. Units will have a master bath and a washer & dryer on the first floor. Some units have a second floor. No "E-1" sewer pumps are proposed, just one pump station to service a portion of the site.

One of the Board members asked if the project has a bond. How can we avoid what happened with the Benjamin Builder's site.

Lewis Lund said that what Gary Lorden should have done is build the detention basin first, then do the drainage lines. He just put the roads in first.

Mr. Dryden stated that the project will be built in three phases. Said he'll provide an architectural rendering.

Mr. Cruz moved to accept the proposed modifications. Ms. Maynard seconded.

Board voted unanimously to approve modification to Special Permit

Special Permit - Wachusett Development, West St & Sheldon St. - PUD ("Stoddart Meadows")

Mark Piermarini, Hamway Engineering, Brian Campbell, Brian Cote were present from the development team. Mark Piermarini presented the plan and discussed its various revisions. Said that the utilities aren't designed yet. The units were moved to the north of the roadway to provide visual access to the river. They want to "daylight" the brook running through the site. They are proposing sheet flow off the pavement to a water quality swale. The site is 4 ½ acres in size, and they are proposing 16 units. Each is proposed to be 1,600 square feet in size, two bedroom units.

Mr. Fontaine expressed concern over the number of parking spaces. Developers will take a look at widening the road.

Concern was expressed about providing areas for snow and trash pickup.

Public Comment:

Liz Stasis who lives across the street expressed concern about sight distances and the speed of traffic in the area. Otherwise said she supports the project.

Mr. Streb said that the city would like to see a riverwalk along the river on their site. The developer expressed concern over allowing access to the public along their project. Who would pick up the trash and maintain the trail?

Mr. Daly said that a riverwalk is important to the city.

Mr. Fontaine asked for architectural elevations from the rear (West Street) as well as front elevations.

Motion made & seconded to continue the public hearing until June 21, 2005.

Site Plan Review - Zichelle, Intervale Rd.

Chris Deloge, Whitman & Bingham presented the plan. There are 58 parking spots on the site. They will be reducing the amount of pavement by 5,000 square feet. They'll use the existing drainage system which consists of the

Paul Fontaine: Can't you redirect the drainage from the Nashua River?

Chris Deloge: Even if we did, it would still end up in the Nashua. They aren't proposing to change anything in the 200-foot riparian zone.

Jeremy Daly continued the public hearing until June 21.

Hearing continued to June 21 meeting.

OTHER BUSINESS

Proposed Zoning amendments

1) increase lot size & lot frontage in Watershed Protection Overlay District

Memo from City Solicitor regarding the proposed moratorium and how it would be difficult to enact reviewed.

Motion made & seconded to recommend against the Moratorium amendment, based on City Solicitor's opinion. Vote 7-0 in favor.

2) six-month moratorium on new septic systems in Watershed Protection Overlay district

Ms. Caron read from her e-mail regarding suggestions for watershed protection.

Mr. Streb said he talked to John Deline of the Water Division, who said he'd combine Wachusett and Quabbin's regulations with the State's model legislation as a proposed ordinance for the city if we wished.

Ms. Caron said we need to raise funds to buy more property.

David Streb: John Deline suggested that the Conservation Commission not allow structures or septic systems within 200 feet of a wetlands that feed a tributary to a drinking water reservoir.

Mr. Fontaine referenced Leominster's regulations having a minimum 2 acre zoning.

Tom Starr corrected that, and said that Leominster's regulations require 3 acres. Also said that if someone has between 350' and 600' of frontage, they have a grandfathered right to an additional parcel.

Michael Donnelly: How many houses does the Water Department allow on their land per acre? None.

Mr. Daly: There needs to be oversight by a board for watershed development.

Mr. Streb: It's unrealistic to think that the people of Fitchburg can buy up all the land in the watershed. We need to adopt reasonable protections for privately owned land.

Mr. Fontaine: No one can show me that what we already have isn't suitable protection for our watershed.

Mr. Cruz: Feels that we should vote for a 3 acre minimum for a three year trial period.

Chris Specht: Have you people ever lived in an area where you needed to boil water?

Mr. McLaughlin: Most of the people in the watershed didn't buy the land to develop it. Fitchburg should have water protection standards that exceed the state average.

Mr. Daly: The science of increasing lot sizes doesn't support the notion that increasing lot sizes will protect our water.

Motion made & seconded moved to make recommendation to City Council in favor of the proposed increase to 3 acre zoning and 300 feet frontage.. . Board voted 4-3 to approve.

Arden Mills PUD - proposed revisions

Chris Deloge presented the proposed change to the project. He explained that there will be no exterior glass elevators, and an extra floor in each building, and one fewer building, but no increase in the elevation of the building.

Board voted to approve the amended site plan.

Revised conceptual plan - Pandiscio, Wanoosnoc Road

Fred Hamway presented the plan. Described it as reduced in scope – only developing half the site, with access to the site only off of Damon Road. Proposing three story buildings. The sewer line would run by the cell tower out Wanoosnoc Road. The project would be reduced from 129 to 95 units, and the balance of the site would be dedicated open space. Pandiscio: The Lawyers are looking into it.

Mr. Daly: They appear to be attractive units. They kicked them up several notches.

Ms. Caron said there should be a cul-de-sac at the end of Damon Road so a bus doesn't get stuck and have to drive thru the development.

Mr. Pandiscio: They will all be two bedroom units.

Ms. Caron: You may need approval to run utilities through the private way.
Damon Road will need significant improvements to accommodate 95 units.

Steve Holt, neighbor: A lot of the concerns that they have go away with this scenario, such as traffic. But they remain concerned about blasting. Also, Damon Road homes have septic problems.

Overall the Board feels that it's a much better plan. Discussion regarding relocating the tower road so it goes through the project instead of out Wanoosnoc Road.

Mr. Fontaine raised the question about Chapter 61 land – whether the city has a right of first refusal in all cases.

David Streb said that it was his impression that if the landowner fails to renew the Chapter land exemption each year for five years, the city's right of first refusal goes away. But that we are still seeking definitive word on that.

Motion made & seconded to adjourn the meeting. Vote unanimous.
Meeting adjourned: 11:00 p.m.

Next meeting: June 21, 2005

Approved: June 21, 2005